

cluded the Senate would take recess until 2:00 o'clock p.m. today pursuant to a motion previously adopted in the Senate.

#### In Legislative Session

The President called the Senate to order as In Legislative Session at 2:00 o'clock p.m. today.

Senator Aikin raised the Point of Order that all business transacted after the time had arrived for the convening of the Joint Session and having appointed an Escort Committee and the Members of that Committee having retired from the Senate Chamber, the Senate could not transact any business.

The President sustained the Point of Order.

Senator Aikin asked unanimous consent that all references to any business transacted after the Senate left for the Joint Session be deleted from the Journal.

There was no objection offered.

#### Memorial Resolutions

S. R. No. 448—By Senator Watson: Memorial resolution for John Kattner.

S. R. No. 449—By Senator Watson: Memorial resolution for J. Omar Cole.

#### Welcome Resolutions

S. R. No. 441—By Senator Watson: Extending welcome to Harry Province, President of Waco Chamber of Commerce, et al.

S. R. No. 442—By Senator Watson: Extending welcome to Mr. and Mrs. Lester Jordan.

S. R. No. 443—By Senator Watson: Extending welcome to Hank Schulte.

S. R. No. 445—By Senator Herring: Extending welcome to students and teacher of Blanton Elementary School of Austin.

S. R. No. 447—By Senator Snelson: Extending welcome to C. E. Marsh II, et al. of Midland.

#### Adjournment

On motion of Senator Aikin the Senate at 2:05 o'clock p.m. adjourned until 10:30 o'clock a.m. on Monday, April 12, 1965.

#### FORTY-EIGHTH DAY

(Monday, April 12, 1965)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

A quorum was announced present

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 8, 1965, was dispensed with and the Journal was approved.

#### Message From the House

Hall of the House of Representatives,  
Austin, Texas,  
April 12, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 158, A bill to be entitled "An Act providing a 25 cent fee for the issuance of exemption hunting licenses; amending Section 8, Chapter 370, Acts of the 55th Legislature, 1957; and declaring an emergency."

H. B. No. 193, A bill to be entitled "An Act validating the incorporation of cities and towns heretofore incorporated or attempted to be incorporated under the general laws of Texas; validating the boundary lines thereof, as said boundaries may have been changed by Ordinance

since the original incorporation; validating governmental proceedings; validating the adoption of Home Rule Charters; validating the charters so adopted and providing that said charters so adopted shall constitute the Home Rule Charters of such cities and towns; validating elections held for the election of members of the governing body of such cities and towns and the assumption of office; providing that this Act shall not be construed as validating any such incorporation proceeding, boundary, charter or act if the validity thereof is involved in litigation on the effective date of this Act and such litigation is ultimately determined against the validity thereof; providing a saving clause and declaring an emergency."

H. B. No. 199, A bill to be entitled "An Act amending Section 1, Chapter 125, Acts of the 52nd Legislature, 1951, as amended, relating to the regulatory authority of the Parks and Wildlife Commission in certain counties, to add Cooke County to the list of counties regulated; and declaring an emergency."

H. B. No. 200, A bill to be entitled "An Act amending Section 1 of Chapter 137, Acts of the 54th Legislature 1955, to change the open season on squirrels in Panola County, and declaring an emergency."

H. B. No. 203, A bill to be entitled "An Act relating to the classes of counties that may use the jury wheel system in selecting jurors; amending Section 1, Chapter 395, Acts of the 58th Legislature, 1963; and declaring an emergency."

H. B. No. 224, A bill to be entitled "An Act relating to the right-of-way of vehicles in intersections; amending Section 71, Chapter 421, Acts of the 50th Legislature, 1947; and declaring an emergency."

H. B. No. 232, A bill to be entitled "An Act changing the name of soil conservation districts and of the State Soil Conservation Board; and declaring an emergency."

H. B. No. 273, A bill to be entitled "An Act creating a Texas Commission for Fine Arts to foster interest in and development of fine arts and the performing arts in Texas; pro-

viding that no state funds shall be used but permitting the acceptance of contributions and appropriating such funds for use in furthering the purposes of this Act; and declaring an emergency."

H. B. No. 278, A bill to be entitled "An Act relating to the compensation of the stenographer to the district attorney of the 64th Judicial District; and declaring an emergency."

H. B. No. 311, A bill to be entitled "An Act amending Section 1, of Chapter 9, Acts of the Forty-sixth Legislature, 1939, Regular Session, Special Laws, as amended, providing for the Office of County Purchasing Agent in all counties of this State having a population of 73,000 or more inhabitants according to the last preceding Federal Census; providing bond for such agent; providing generally the rights, powers, and duties of such agent in reference to the handling and purchase of supplies, materials, and equipment in reference to the contracting for repairs to property and for expenditures generally, providing for the appointment, tenure, and compensation of said agent; providing for a repealing clause, and declaring an emergency."

H. B. No. 319, A bill to be entitled "An Act authorizing counties, cities, towns, villages, authorities, districts and other political subdivisions of the State to establish Regional Planning Commissions; authorizing such Regional Planning Commissions to perform certain planning functions; providing for the operation and financing of such Regional Planning Commissions; prohibiting Regional Planning Commissions from levying taxes; authorizing counties, cities, towns, villages, authorities, districts, and other political subdivisions of the State to appropriate funds for the operation of Regional Planning Commissions; providing a savings clause; providing for severability; and declaring an emergency."

H. B. No. 326, A bill to be entitled "An Act regulating the hunting of deer in Morris County; repealing Chapter 142, Acts of the 58th Legislature, 1963; and declaring an emergency."

H. B. No. 327, A bill to be entitled "An Act regulating the hunting of

deer in Cass County; and declaring an emergency."

H. B. No. 329, A bill to be entitled "An Act relating to use of motor vehicles on property owned or under control of Borger Junior College District; providing a penalty; and declaring an emergency."

H. B. No. 354, A bill to be entitled "An Act validating proceedings relating to the adoption of a home rule charter or an amendment or amendments to an existing home rule charter under certain circumstances and conditions; validating proceedings for the election of a governing body of such home rule cities; validating governmental proceedings of home rule cities (except those relating to annexation), ratifying actions of governing bodies of home rule cities in calling bond elections and in the authorization, issuance and delivery of bonds, warrants, scrip and certificates of indebtedness or assessment; providing that this act shall not be construed as validating any proceedings or actions the validity of which is involved in litigation on the effective date of this act and such litigation is ultimately determined against the validity thereof; and declaring an emergency."

H. B. No. 361, A bill to be entitled "An Act amending Section 13 of House Bill 654, Acts 1929, Forty-first Legislature, page 698, Chapter 314, as amended by Acts 1929, Forty-first Legislature, Second Called Session, page 38, Chapter 24, as further amended by Acts 1931, Forty-second Legislature, page 480, Chapter 277, Section 13, and as further amended by Acts 1933, Forty-third Legislature, page 135, Chapter 65, and as further amended by Acts 1945, Forty-ninth Legislature, page 637, Chapter 370, (now codified as Article 911b, Vernon's Texas Civil Statutes), by adding a new section thereto immediately following Section 13, to be designated as Section 13aa, and preceding Section 13a; vesting the power and authority in the Commission to approve deposits by a motor carrier of United States Government Bonds or cash, in lieu of bonds and/or insurance; the amount of and rules and regulations for same shall be prescribed by the Commission; that such motor carrier may become self-insured under Commission's rules, regulations and

administration upon full and proper showing of financial fitness and responsibility; and declaring an emergency."

H. B. No. 385, A bill to be entitled "An Act authorizing the Commissioners Court of McLennan County to pay the district judges of the 19th, 54th and 74th judicial districts compensation in addition to the compensation paid by the state; and declaring an emergency."

H. B. No. 392, A bill to be entitled "An Act amending paragraph (6), Section 3, of Chapter 154, Acts of the Fifty-second Legislature, Regular Session, 1951 (codified as Article 4590e, Vernon's Annotated Civil Statutes of Texas, known as the Healing Art Identification Act), as amended by Chapter 26, Acts of the Fifty-eighth Legislature, 1963, to provide the identification which shall be used by persons licensed to practice the healing arts by the State Board of Chiropractic Examiners; providing that this Act shall not invalidate or affect any outstanding license; providing that the unconstitutionality of any part of this Act shall not affect the validity of the remainder of the Act; and declaring an emergency."

H. B. No. 401, A bill to be entitled "An Act relating to the power of certain cities to codify and adopt a civil and criminal code of ordinances; amending Section 1, Chapter 168, General Laws, Acts of the 44th Legislature, Regular Session, 1935, as amended; and declaring an emergency."

H. B. No. 409, A bill to be entitled "An Act amending Section 1, Chapter 18, Acts of the 50th Legislature, 1947; authorizing counties, or any other political subdivision of this State, or any political subdivision of counties to make, and the State Highway Commission to accept, voluntary contributions of funds for expenditures by the State Highway Commission in the proper development and construction of the public roads and State Highway System within such county, or any other political subdivision of this State, or political subdivision of any county; providing for the validation of all contracts heretofore entered into between any county, or any other political subdivision of this State, or political subdivision of any county and the State Highway Commission

wherein the State Highway Commission has accepted contributions for such proper development and construction as is herein authorized; and declaring an emergency."

H. B. No. 416, A bill to be entitled "An Act amending section 1, Chapter 50, Acts of the 55th Legislature, 1957, as amended, relating to the regulatory authority of the Parks and Wildlife Commission in certain counties, to add Irion and Sterling Counties to the list of counties regulated; and declaring an emergency."

H. B. No. 421, A bill to be entitled "An Act providing for the admissibility of certain documents in suits involving the title to real estate or seeking a declaration of heirship; amending the Revised Civil Statutes of Texas, 1925, by adding Article 3726A; and declaring an emergency."

H. B. No. 423, A bill to be entitled "An Act to amend Chapter 342 (page 844) Acts of the 53rd Legislature, Regular Session, 1953, compiled as Vernon's Civil Statutes, Article 7465a, by amending Section 17 so as to provide for the Attorney General or District or County Attorney to institute injunction proceedings to enforce the provisions of the Veterinary Licensing Act; establishing venue in such injunction proceedings; and declaring an emergency."

H. B. No. 430, A bill to be entitled "An Act amending Article 6.12 of the Insurance Code of Texas, Acts 1951, 52nd Legislature, Chapter 491, as amended, Acts 1959, 56th Legislature, Chapter 291, Section 1, and Article 8.07 of the Insurance Code of Texas, Acts 1951, 52nd Legislature, Chapter 491, by including in the assets to be shown on the annual statements of Fire and Marine and Casualty Insurance Companies the value of electronic machines, office equipment, furniture, machines and labor-saving devices; providing for regulations defining such property and its depreciation and specifying that the value of such property shall be an admitted asset; providing for severability of the different parts of said Articles so that the unconstitutionality of one or more shall not affect the remainder of the Act; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 432, A bill to be entitled "An Act amending Section 1 (D), of

Chapter 507, Acts of the Fifty-eighth Legislature, 1963, Regular Session, otherwise known as Article 199 (162), Vernon's Annotated Civil Statutes of Texas, 1925, as amended, providing for the terms of the 162nd Judicial District Court of Dallas County, Texas, and the Criminal Judicial District Court Number 4 of Dallas County, Texas, and declaring an emergency."

H. B. No. 450, A bill to be entitled "An Act repealing Article 614, Penal Code of Texas, 1925, as amended, relating to persons engaging in roping contests; and declaring an emergency."

H. B. No. 456, A bill to be entitled "An Act relating to the classes of counties that are to use jury wheels in selecting jurors; amending Article 2094, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 466, A bill to be entitled "An Act to provide that preference be given in State purchasing to certain products manufactured by organizations that train and employ mentally retarded or physically handicapped persons; amending Section 18, Chapter 304, Acts of the 55th Legislature, Regular Session, 1957; and declaring an emergency."

H. B. No. 479, A bill to be entitled "An Act amending Section 3 of Chapter 6, Acts of the Forty-third Legislature, First Called Session, 1933, as added by Chapter 337, Acts of the Forty-eighth Legislature, 1943, (compiled as Section 3 of Article 2654b-1 of Vernon's Annotated Civil Statutes) to provide that orphans of members of the Texas National Guard and the Texas Air National Guard killed since January 1, 1946, while on active duty may receive benefits by way of exemption from certain fees at state-supported institutions of higher learning; and declaring an emergency."

H. B. No. 494, A bill to be entitled "An Act amending Section 4(c)-Chapter 411, Acts of the 53rd Legislature, Regular Session, 1955, so as to authorize per diem for each member of the Texas Commission on Alcoholism in the amount of Twenty Dollars (\$20) for each day of attendance; and declaring an emergency."

H. B. No. 498, A bill to be entitled "An Act authorizing the Commission-

er of the General Land Office to execute agreements on behalf of the Permanent University Fund of the State of Texas that provide for the payment by University oil and gas lessees of compensatory royalty in lieu of drilling offset wells that may be required to protect University lands from drainage from wells located on adjacent University or Non-University acreage; providing for the approval of such agreements by the Board for Lease of University Lands; prescribing certain provisions which may be included in such agreements; repealing all laws; providing for a severability clause; and declaring an emergency."

H. B. No. 505, A bill to be entitled "An Act authorizing the Board for Texas State Hospitals and Special Schools to grant such easements and rights-of-way as shall be necessary to construct, improve, renovate, use and operate institutions under its control and management; and declaring an emergency."

H. B. No. 509, A bill to be entitled "An Act assenting to the provisions of an act of Congress entitled the Commercial Fisheries Research and Development Act of 1964 (codified in Title 16, Sections 779-779f, U.S.C.A.) approved May 20, 1964; making other provisions relating thereto; and declaring an emergency."

H. B. No. 519, A bill to be entitled "An Act amending Senate Bill No. 36, Page 544, General Laws of the State of Texas, Regular Session, 1939, as amended by House Bill No. 611, Chapter 562, Page 914, General and Special Laws of the State of Texas, Forty-seventh Legislature, Regular Session, 1941, as amended by House Bill No. 78, Chapter 284, Page 672, General and Special Laws of the State of Texas, Fifty-fifth Legislature, Regular Session, 1957, as amended, which is codified as Article 695c, Vernon's Texas Civil Statutes, by amending Section 16-B of said Article 695c so as to redefine the term "permanently and totally disabled" as used in this Act; amending Subsection (6) of Section 2, Article XX of Chapter 184, Acts of the Forty-seventh Legislature, Regular Session, 1941, as amended by Section 4 of House Bill 78, Chapter 284, Page 672, General and Special Laws of the State of Texas, Fifty-fifth Legislature, Regular Session, 1957, codified

as Article 7083a, Vernon's Texas Civil Statutes, concerning the allocation of State moneys to the "Disabled Assistance Fund"; providing for the allocation to such fund an amount out of State funds for each fiscal year which will provide funds in amounts equivalent to the funds appropriated by the Legislature for such purposes; fixing the operative date of the Act; providing a repealing clause, a savings clause, and declaring an emergency."

H. B. No. 531, A bill to be entitled "An Act relating to the adoption of an interstate compact on juveniles; and declaring an emergency."

H. B. No. 534, A bill to be entitled "An Act to provide for the reclassification of patented, unpatented lands in Reeves County and the issuance of a patent or corrected patent to conform to said reclassification; and containing an emergency clause."

H. B. No. 540, A bill to be entitled "An Act relating to the salary to be paid the Commissioner representing Texas on the Pecos River Commission; amending Section 2, Chapter 30 Acts of the 51st Legislature, 1949; and declaring an emergency."

H. B. No. 567, A bill to be entitled "An Act authorizing the Board for Texas State Hospitals and Special Schools to convey a permanent roadway easement across certain state-owned land to the City of Abilene; and declaring an emergency."

H. B. No. 570, A bill to be entitled "An Act authorizing and directing the Board for Texas State Hospitals and Special Schools to execute and deliver to the County of Angelina right-of-way easement to a tract of land in Angelina County for the construction and maintenance of a public road extending along and across certain State property owned by the State of Texas for the use and benefit of Lufkin State School; and declaring an emergency."

H. B. No. 580, A bill to be entitled "An Act authorizing Independent School Districts, subject to rules and regulations adopted by the Central Education Agency, to conduct vocational classes and other educational programs for students of all ages and to expend local maintenance funds for the cost thereof; authorizing Independent School Districts,

subject to the rules, regulations and approval by the Central Education Agency, to lease real or personal property and enter into contracts for the purposes of conducting vocational classes and other educational programs; providing a savings clause; and declaring an emergency."

H. B. No. 594, A bill to be entitled "An Act relating to the compensation and expenses of the official shorthand reporter of the 42nd Judicial District; and declaring an emergency."

H. B. No. 595, A bill to be entitled "An Act providing minimum and maximum salaries of certain public officials in counties having a population of 900,000 or more inhabitants; amending Section 8, Chapter 427, Acts of the 54th Legislature, 1955, as amended; and declaring an emergency."

H. B. No. 624, A bill to be entitled "An Act authorizing the Commissioners Court of Dallam, Deaf Smith, Hartley, Moore, Oldham and Sherman Counties to supplement the salary of the District Judge of the 69th Judicial District of Texas; authorizing the Commissioners Courts of Hansford, Hutchinson and Ochiltree Counties to supplement the salary of the District Judge of the 84th Judicial District of Texas; and declaring an emergency."

H. B. No. 627, A bill to be entitled "An Act relating to the quorum of the county commissioners court necessary to transact business; amending Article 2343, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 637, A bill to be entitled "An Act designating the head of a mental hospital in which a patient is confined as the patient's agent for service of process; amending Section 86, Texas Mental Health Code; and declaring an emergency."

H. B. No. 662, A bill to be entitled "An Act relating to the Hidalgo County Juvenile Board and Juvenile Probation Officer; and declaring an emergency."

H. B. No. 671, A bill to be entitled "An Act relating to stocking public lakes and reservoirs in Wood County with fish; and declaring an emergency."

H. B. No. 692, A bill to be entitled "An Act authorizing the Texas Department of Corrections to convey an airway easement across certain state-owned land to the City of Huntsville, Texas; and declaring an emergency."

H. B. No. 709, A bill to be entitled "An Act adding Montague County to the list of counties which are exempt from the application of the law regulating sale of herbicides; amending Section 17, Chapter 349, Acts of the 53rd Legislature, Regular Session, 1953; and declaring an emergency."

H. B. No. 714, A bill to be entitled "An Act relating to temporary registration permits for trucks, trailers, and similar vehicles to expedite and facilitate the harvesting and marketing of cotton; amending Section 2A, Chapter 18, Acts of the 41st Legislature, 5th Called Session, 1930, as amended; and declaring an emergency."

H. B. No. 719, A bill to be entitled "An Act relating to the date on which elections of directors of the City of McAllen Water and Sewer Authority are held; amending Section 3(c), Chapter 400, Acts of the 54th Legislature, 1955, as amended; and declaring an emergency."

H. B. No. 725, A bill to be entitled "An Act relating to the date for election of trustees in certain Junior College Districts; and declaring an emergency."

H. B. No. 740, A bill to be entitled "An Act repealing Chapter 49, page 799, Special Laws, Acts of the 46th Legislature, 1939, relating to the sale of fish taken from the waters of DeWitt County; and declaring an emergency."

H. B. No. 741, A bill to be entitled "An Act authorizing the commissioners court of counties comprising the 132nd Judicial District to supplement the salary of the District Attorney and the District Judge of the 132nd Judicial District; and declaring an emergency."

H. B. No. 748, A bill to be entitled "An Act relating to the use of motor vehicles on property owned or under the control of certain junior college districts; and declaring an emergency."

H. B. No. 431, A bill to be entitled "An act relating to the construction

and maintenance of private roads by counties with fewer than 16,001 persons, and declaring an emergency."

H. B. No. 771, A bill to be entitled "An Act amending House Bill No. 312, Chapter 339, Page 581, General and Special Laws, Acts of the 52nd Legislature, Regular Session, 1951, by changing the date of the election for Trustees in Independent School Districts having two hundred thousand (200,000) or more scholastics according to the last official scholastic census and wherein there is situated a city having a population of nine hundred thousand (900,000) or more inhabitants according to the last Federal Census, and having a board of seven (7) Trustees; providing that in all such districts trustees shall be elected by majority vote; providing for special runoff elections; prescribing the date of termination of office for said Trustees already elected in any such Districts; providing for changing the date of filing for position on ballot; providing for changing the date of elections to fill vacancies in the membership of such Boards of Trustees; providing for the appointment of election officials, the establishment of election precincts, and the designation of polling places for such elections; providing for the manner and method of giving notice of elections for Trustees in such Districts; and declaring an emergency."

H. B. No. 775, A bill to be entitled "An Act relating to the compensation of the Judges of the 92nd, 93rd, and 139th Judicial Districts; and declaring an emergency."

H. B. No. 818, A bill to be entitled "An Act relating to wild turkey in Austin County; repealing Chapter 355, Acts of the 57th Legislature, Regular Session, 1961; and declaring an emergency."

H. B. No. 822, A bill to be entitled "An Act relating to the qualifications of school district trustees; and declaring an emergency."

H. B. No. 831, A bill to be entitled "An Act relating to the establishment, powers, functions, and employees of the Ector County Juvenile Board; and declaring an emergency."

H. B. No. 849, A bill to be entitled "An Act increasing the maximum per diem of grand jurors and certain petit jurors; amending Article 2122, Re-

vised Civil Statutes of Texas, 1925, as amended; and Article 1056, Code of Criminal Procedure of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 862, A bill to be entitled "An Act ratifying, confirming, approving and validating proceedings and actions had and taken by the governing body of Red River County Water Control and Improvement District No. 1, Langford Creek and the organization and boundaries of said District; all notices, including but not limited to those for the confirmation election, exclusions hearings, bond election, hearing on plan of taxation, and all proceedings relating thereto, and all elections and hearings, and all bonds heretofore authorized by an election for and within said District; providing for the incontestability of said bonds; providing a non-litigation clause; making a finding of benefits; providing a saving clause; and declaring an emergency."

H. B. No. 865, A bill to be entitled "An Act validating certain actions of the Upper Guadalupe River Authority and declaring an emergency."

H. B. No. 868, A bill to be entitled "An Act relating to the power of eminent domain in the Valley Creek Water Control District; amending Section 5, Chapter 469, Acts of the 56th Legislature, Regular Session, 1959; and declaring an emergency."

H. B. No. 911, A bill to be entitled "An Act placing the wildlife resources of Jackson and Matagorda Counties under the regulatory authority of the Parks and Wildlife Commission; and declaring an emergency."

H. B. No. 1040, A bill to be entitled "An Act authorizing the Board of Directors of Texas Technological College to enter into an agreement with Southwestern Public Service Company, granting to Southwestern Public Service Company permission to install, maintain and operate an underground electrical transmission line across the campus of said college upon terms and conditions satisfactory to said Board of Directors, together with rights of ingress and egress to the extent reasonably necessary for such purposes, and authorizing said Board of Directors to require necessary and proper covenants and undertakings on the part of said

Southwestern Public Service Company; and declaring an emergency."

H. B. No. 1055, A bill to be entitled "An Act providing for the conveyance of certain State-owned lands to the City of El Paso to be used for park purposes, providing for the reservation of all minerals, providing for the exclusive leasing rights to be reserved to the State, providing for a reverter, providing for the acquisition of privately-owned land prior to the issuance of patent, and creating an emergency."

H. B. No. 728, A bill to be entitled "An Act validating Hall and Donley Counties Water Control and Improvement District Number One; validating the boundaries of said District; validating all actions, orders, or other proceedings in connection with its creation, organization and operation; validating all actions, orders or other proceedings relating to the calling, conducting and declaring the results of any confirmation election; validating all actions in authorizing the levy, assessment, and collection of taxes and in adopting tax rolls; validating the appointment or election of directors and prescribing their terms; providing that bonds of the District shall be authorized investments and eligible to secure deposits of public funds in certain instances; providing for the ad valorem plan of taxation and that no hearing on exclusions shall be necessary; declaring all included land and property shall be benefited; declaring the district essential; enacting provisions incident and related to the subject; and declaring an emergency."

S. B. No. 284, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas to acquire by donation or deed of gift from The Texas Medical Center in Houston for the use and benefit of The University of Texas M. D. Anderson Hospital and Tumor Institute, The University of Texas Dental Branch, The University of Texas Graduate School of Biomedical Sciences at Houston, or such other branch or unit of The University of Texas System as may be established by the Legislature in Houston, certain properties in the City of Houston, Harris County Texas; and declaring an emergency."

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk House of Representatives

#### Senate Resolution 452

Senator Dies offered the following resolution:

Whereas, In 1938, Judge J. E. Wheat of Woodville, Texas, then President of the Tyler County Chamber of Commerce, called a meeting of distinguished citizens to meet with members of the Highway Department to promote the construction of Highway 45, now U.S. 290; and

Whereas, All were deeply stirred by the beauty of this area of East Texas during Dogwood time; and

Whereas, The inspiration came to Judge J. E. Wheat that the beauty of East Texas during Dogwood time, could and should be publicized and given prominence by a festival and celebration; and

Whereas, Judge J. E. Wheat realized that such a pageant and festival would greatly stimulate the economy of his county; and

Whereas, From 1938, Judge J. E. Wheat has given his time and energy to the promotion and expansion of the Tyler County Dogwood Festival; and

Whereas, Such festival has grown in scope and magnitude and is now annually attended by thousands of visitors; and

Whereas, Such festival is in large part due to the imagination and energies of Judge J. E. Wheat of Woodville; now, therefore, be it

Resolved, That the Senate of the State of Texas do hereby extend its congratulations and appreciation to Judge J. E. Wheat for his untiring efforts in creating and enlarging this fine festival, and that a copy of this Resolution, properly endorsed bearing the official seal of the Senate, be mailed to him in recognition of his efforts.

DIES

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Blanchard, Calhoun, Cole, Colson, Creighton, Crump, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Kazen, Kennard, Krueger, Moore, Parkhouse, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Snelson, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Word and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then adopted.



**Senate Concurrent Resolution 70**

Senator Hightower offered the following resolution:

S. C. R. No. 70—Providing a committee to direct compilation of "The Texas Capitol," a brochure for distribution to visitors.

Whereas, The Tourist Information Center operated by the Texas Highway Department in the rotunda of the Capitol has served approximately 125,000 visitors since it was opened in July, 1964; and

Whereas, The average number of tourists during week days, when the Legislature is in session, has totaled around 300, while on weekends, visitors approach 500 per day; in summer months, the average goes up to 600 during week days and about 1,100 per day on weekends; and

Whereas, The informational material presented to these Capitol guests, a large number of whom are school children, students of history and social studies classes, is effective, but an inspiring, comprehensive brochure, modeled after that prepared by the House of Representatives of the United States Congress at the suggestion of former Texas Congressman Frank Ikard, now a member of The University of Texas Board of Regents, would emphasize the importance of their Capitol visit for these young citizens by firmly implanting in their minds an association between the practice and tradition of current government and the politics and ideals of our founding fathers; and

Whereas, An omnibus brochure such as that envisioned would serve to stimulate interest in the Texas heritage, symbolized by the Capitol and surrounding buildings which form the seat of Texas government; and

Whereas, This document could be prepared to include archival photographs, sketches, new photographic shots and scenes of current historical significance—pictures of the Legislature in session, inaugural ceremonies, visits of dignitaries from other states and foreign lands, and the like—similar to those contained in the Congressional publication, "The Capitol, Symbol of Freedom," and the basic and historical material contained would form the nucleus of new editions as might be indicated by demand; and

Whereas, The educational value to Texas citizens is not the only divi-

dend such a brochure would offer: it would be of inestimable value in augmenting the new Texas program to encourage the tourist industry in this State by attracting tourists through the kind of "take home" material which they desire and frequently request in letters of inquiry; and

Whereas, Cost to the State of Texas in the preparation of a publication of the type planned would be minimal, as in all probability the Texas experience would follow the pattern established by the national document, which is now in its third edition, and has actually yielded a profit to the Government on sales, at 50¢ each, of \$7,380; and

Whereas, It is appropriate that the Legislature of the State of Texas should provide the leadership and the direction necessary to satisfy the deep hunger for an inspirational document about the State Capitol which the thousands of tourists to the seat of government bring with them; now, therefore, be it

Resolved, by the Senate of the 59th Legislature, the House of Representatives concurring, That a special interim committee be, and it is hereby, created to direct the compilation, organization and publication of a brochure on "The Texas Capitol," and that actual publication be accomplished at no cost to the State, but that the brochure serve as an approved State document to be sold through the publishing house becoming the successful bidder on the project; and be it further

Resolved, That membership of the Committee shall consist of two members of the Senate and two members of the House of Representatives, appointed by the Lieutenant Governor and the Speaker of the House, respectively, one citizen member, appointed by the Governor, and the Director, Texana Programs, Humanities Research Center, The University of Texas; and be it further

Resolved, That the Texas Highway Department, the Texas State Library and other state agencies and departments as may be deemed necessary by the Committee are hereby authorized and directed to cooperate fully and completely with the Committee in the preparation of the brochure; and be it further

Resolved, That the staff of the Texas Legislative Council shall serve as staff to the Committee, and legislative members of the Committee

shall be reimbursed for actual expenses incurred in the performance of their official duties as members of the Committee from the Contingent Expense Fund of the 59th Legislature.

HIGHTOWER  
HARDEMAN

On motion of Senator Hightower and by unanimous consent, the reading of the resolution was dispensed with and he explained the resolution.

On motion of Senator Aikin and by unanimous consent S. C. R. No. 70 was referred to the Committee on Contingent Expenses.

#### Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

H. J. R. No. 11, Authorization of loans to students at institutions of higher education and creating Texas Opportunity Plan Fund.

#### Local Bills on First Reading

The following local bills were introduced, read first time and referred to the Committee indicated:

By Senator Ratliff:

S. B. No. 504, A bill to be entitled "An Act authorizing the creation of a hospital district with boundaries coterminous with the boundaries of the Stamford County Line Independent School District of Jones and Haskell Counties, Texas, as fixed on the effective date of this Act; providing for elections on the creation of such district and the levy of a tax not exceeding seventy-five cents (75¢) for its maintenance, support, and the payment of bonds issued by it; providing the district with power to issue bonds, and methods for authorizing same, for the purpose of the purchase, construction, acquisition, repair or renovation of buildings and improvements and equipping same for hospital purposes, and for any and all such purposes, and for the refunding of such bonds; providing that bonds issued by the district shall be lawful investments and security for certain funds; providing a governing body for such district, its powers and duties and the tenure of its members; providing for an assessor-collector and for the adoption of a tax roll; providing that no other municipality or political sub-

division shall have the power to levy taxes or issue bonds or other obligations for hospital purposes or for providing medical care within the boundaries of said district; enacting other provisions incident and germane to the subject and purpose of this Act; providing a severance clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Bates:

S. B. No. 505, A bill to be entitled "An Act authorizing the McAllen Trade Zone, Inc., to establish, operate and maintain a foreign trade zone at McAllen, Hidalgo County, Texas, and other sub-zones; authorizing the McAllen Trade Zone, Inc., to apply to the Foreign Trade Zone Board, Washington, D. C., for a grant to permit the establishment, operation and maintenance of the foreign trade zone and sub-zones in accordance with federal laws and the regulations of the Federal Trade Zones Board; authorizing the acceptance of such grant; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Creighton:

S. B. No. 506, A bill to be entitled "An Act relating to the creation, establishment, maintenance and operation of a hospital district in accordance with the provisions of Section 9 of Article IX of the Constitution of the State of Texas, to be known as the Palo Pinto County Hospital District, with boundaries coextensive with the boundaries of Palo Pinto County, Texas; defining its purposes; providing for its administration, operation, financing, taxing powers and liabilities; prescribing procedures; providing for severability; reciting proof of publication of constitutional notice; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

#### Senate Bill 507 on First Reading

Senator Word moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Strong
Herring	Watson
Hightower	Word
Kazen	

## Absent

Hazlewood	Spears
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The following bill was then introduced, read first time and referred to the Committee indicated:

## By Senator Word:

S. B. No. 507, A bill to be entitled "An Act rearranging Chapter Three (Rights of Married Women) of Title 75 (Husband and Wife) of the Texas Revised Civil Statutes of 1925, as amended; relating to the rights of spouses as affects the separate property of the spouses, the capacity of spouses, the powers of management, control and disposition of the property of spouses; relating to the dealings of spouses with third party; relating to unusual circumstances affecting either spouse or the spouses; pertaining to the sale of the homestead; pertaining to the liability of separate and community property; relating to suits in behalf of or against spouses; providing for judgments and execution relating to persons married elsewhere; providing for the repeal of certain laws in conflict herewith; providing for the repeal of Article 1300, Revised Civil Statutes, 1925; providing a severability clause; and declaring an emergency."

To the Committee on Jurisprudence.

## Senate Bill 508 on First Reading

The following local bill was introduced, read first time and referred to the Committee indicated:

## By Senator Richter:

S. B. No. 508, A bill to be entitled "An Act authorizing the Board of Regents of the State Teachers Colleges to accept for the use and ben-

efit of the Southwest Texas State College certain land in Hays County, Texas, to be conveyed by the United States government; making other provisions relating thereto; and declaring an emergency."

To the Committee on State Affairs.

## Senate Resolution 453

Senator Hardeman offered the following resolution for Senator Rogers:

Be It Resolved by the Senate of Texas, That the Enrolling Clerk be directed to correct S. B. 289, Section 1, paragraph three, by striking the words "Livestock Sanitary Commission" and substituting in lieu thereof the following: "Texas Animal Health Commission."

The resolution was read and was adopted.

## Senate Resolution 454

Senator Kazen offered the following resolution:

Be It Resolved by the Senate of Texas, That the Enrolling Clerk be directed to correct S. B. 179 by striking the word "severability" in the caption of said bill, and substituting in lieu thereof the word "repealing."

The resolution was read and was adopted.

## Reports of Standing Committee

Senator Ratliff by unanimous consent submitted the following reports:

Austin, Texas,  
April 12, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 506, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,  
April 12, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 505, have had the same under consideration, and I am instructed to report it back to the

Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

#### Messages From the Governor

The following messages received from the Governor were read and were referred to the Committee on Nominations:

Austin, Texas,  
April 8, 1965.

To the Senate of the Fifty-Ninth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the State Board of Examiners in the Basic Sciences, for terms to expire July 23, 1969: Paul C. Witt of Abilene, Taylor County; Everett D. Wilson of Huntsville, Walker County.

Respectfully submitted,  
JOHN CONNALLY,  
Governor of Texas.

Austin, Texas,  
April 7, 1965.

To the Senate of the Fifty-Ninth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Board of Trustees of the Municipal Retirement System, for six-year terms to expire December 31, 1970: Walter E. Wilkins of Corpus Christi, Nueces County; Jimmie L. Mormon of Mesquite, Dallas County.

Respectfully submitted,  
JOHN CONNALLY,  
Governor of Texas.

#### Senate Bill 506 Ordered Not Printed

On motion of Senator Creighton and by unanimous consent S. B. No. 506 was ordered not printed.

#### House Concurrent Resolution 84 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 84, Congratulating W. R. Beaumier of Lufkin, Texas, for receiving the Distinguished Service Award.

The resolution was read.

On motion of Senator Dies and by unanimous consent the resolution was considered immediately and was adopted.

#### House Concurrent Resolution 77 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 77, In memory of Norman E. Coward.

The resolution was read.

On motion of Senator Cole and by unanimous consent the resolution was considered immediately and was adopted by a rising vote of the Senate.

#### House Concurrent Resolution 76 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 76, Memorial resolution for the Honorable Roscoe Conklin Runge.

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the resolution was considered immediately and was adopted by a rising vote of the Senate.

#### Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 224, A bill to be entitled "An Act transferring fee simple title and the control and management of Moody State School for Cerebral Palsied Children to the Board of Regents of The University of Texas for the use and benefit of The University of Texas Medical Branch at Galveston; etc., and declaring an emergency."

S. B. No. 74, A bill to be entitled "An Act relating to engineers and the practice of engineering; defining terms; providing for the regulation of engineers and the practice of engineering; defining powers of the Board; prohibiting certain acts and conduct; dealing with the use of cer-

tain words and terms of identification; amending certain sections of and adding sections to Chapter 404, Acts of the 45th Legislature, Regular Session, 1937, as amended (codified as Title 52A, 3271a, Revised Civil Statutes of Texas); providing for renewal of registration certificates; repealing all laws or parts of laws in conflict; providing for a severability clause; and declaring an emergency."

**Motion to Place  
Senate Bill 56 on Second Reading**

Senator Moore asked unanimous consent to suspend the regular order of business and take up S. B. No. 56 for consideration at this time.

There was objection.

Senator Moore then moved to suspend the regular order of business and take up S. B. No. 56 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

**Yeas—16**

Aikin	Krueger
Cole	Moore
Colson	Parkhouse
Creighton	Ratliff
Dies	Reagan
Harrington	Spears
Hazlewood	Strong
Hightower	Watson

**Nays—14**

Bates	Kazen
Blanchard	Kennard
Calhoun	Patman
Crump	Richter
Hall	Schwartz
Hardeman	Snelson
Herring	Word

**Absent**

Rogers

**Committee Substitute Senate Joint  
Resolution 6 on Second Reading**

Senator Moore asked unanimous consent to suspend the regular order of business and take up C. S. S. J. R. No. 6 for consideration at this time.

There was objection.

Senator Moore then moved to suspend the regular order of business and take up C. S. S. J. R. No. 6 for consideration at this time.

The motion prevailed by the following vote:

**Yeas—22**

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Cole	Parkhouse
Colson	Patman
Crump	Reagan
Hall	Richter
Harrington	Schwartz
Hazlewood	Snelson
Herring	Strong
Kazen	Watson

**Nays—9**

Calhoun	Ratliff
Creighton	Rogers
Dies	Spears
Hardeman	Word
Hightower	

The President laid before the Senate on its second reading and passage to engrossment:

C. S. S. J. R. No. 6, Proposing an amendment to Article I of the Constitution of Texas by adding thereto a new Section to be known as Section 3a, providing that equality under the law shall not be denied or abridged because of sex; providing the manner and time of nullification of all laws in conflict; and providing for the calling of an election and the publication and issuance of the proclamation therefor.

The resolution was read second time.

Senator Hardeman offered the following amendment to the resolution:

Amend C. S. S. J. R. 6, Section 1 by adding at the end thereof the following:

"The provisions of this Article shall not be construed to impair any rights, benefits or exemptions now or hereafter conferred by law upon persons of the female sex."

The amendment was read.

Senator Moore moved to table the amendment.

The motion to table prevailed by the following vote:

**Yeas—19**

Aikin	Blanchard
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Cole	Moore
Colson	Parkhouse
Hall	Patman
Harrington	Reagan
Hazlewood	Schwartz
Herring	Snelson
Kazen	Strong
Kennard	Watson
Krueger	

## Nays—12

Bates	Hightower
Calhoun	Ratliff
Creighton	Richter
Crump	Rogers
Dies	Spears
Hardeman	Word

Question—Shall C. S. S. J. R. No. 6 be passed to engrossment?

## Reason for Vote

I voted not to table the Hardeman Amendment to S. J. R. 6 because its language is necessary to preserve and protect (a) the right of a widow to continue her homestead rights after her husband's death, a right the widower doesn't have; (b) the differential in penalty wherein if a man assaults a woman it is aggravated assault, but if a woman assaults a man it is only simple assault; (c) the strict regulations on the working conditions under which a woman works; (d) the rights of a woman to receive temporary alimony and custody of the children pending a divorce which are seriously jeopardized by the language in S. J. R. 6; and (e) the provisions protecting a woman under Art. 32 of the Penal Code.

Furthermore, S. J. R. 6, as it was finally voted on, has the practical difficulty of removing the husband as the manager of the community property, thus of making joint managers of the husband and wife over the community. If a man who is the breadwinner of the family with a business or a medical or law practice would want to enter into contracts or financial encumbrances involving his business assets, which would be community property, he will be required by the other party or the lending institutions to have his wife join in and sign such contracts, liens, notes or encumbrances to make them valid, no matter how small or routine their character in the normal course of operating his business.

SPEARS

Question—Shall C. S. S. J. R. No. 6 be passed to engrossment?

Senator Aikin offered the following amendment to the resolution:

Amend C. S. S. J. R. 6 by striking out the last sentence of Section 3A page one.

The amendment was read and was adopted.

## Record of Votes

Senators Hardeman, Dies and Calhoun asked to be recorded as voting "Nay" on the adoption of the above amendment.

## Motion to Adjourn

Senator Creighton moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question on the motion to adjourn, Yeas and Nays were demanded.

The motion to adjourn was lost by the following vote:

## Yeas—15

Bates	Hightower
Blanchard	Krueger
Calhoun	Ratliff
Creighton	Rogers
Crump	Spears
Dies	Strong
Hardeman	Word
Harrington	

## Nays—16

Aikin	Moore
Cole	Parkhouse
Colson	Patman
Hall	Reagan
Hazlewood	Richter
Herring	Schwartz
Kazen	Snelson
Kennard	Watson

## Committee Substitute Senate Joint Resolution 6 on Second Reading

The Senate resumed the consideration of the pending business, same being C. S. S. J. R. No. 6 on its second reading.

Senator Spears offered the following amendment to the resolution:

Amend S. J. R. No. 6 by changing the period following "sex" on line 36 of the printed bill to a comma and adding thereafter the following:

"Provided further that all statutes heretofore passed by the Legislature that are not consistent with this amendment are hereby repealed and such laws made to conform with this amendment."

The amendment was read.

#### Motion in Writing

Senator Spears submitted the following Motion in Writing:

I move the adoption of the pending amendment and urge your vote in favor of it as an expression of the Legislature on the question of the repeal of any statutes in conflict with this amendment.

The Motion in Writing was read.

Question—Shall the amendment by Senator Spears to C. S. S. J. R. No. 6 be adopted?

#### Motion to Adjourn

Senator Calhoun moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question on the motion to adjourn Yeas and Nays were demanded.

The motion to adjourn was lost by the following vote:

#### Yeas—14

Bates	Hightower
Calhoun	Kennard
Cole	Krueger
Creighton	Ratliff
Crump	Rogers
Dies	Spears
Hardeman	Word

#### Nays—17

Aikin	Parkhouse
Blanchard	Patman
Colson	Reagan
Hall	Richter
Harrington	Schwartz
Hazlewood	Snelson
Herring	Strong
Kazen	Watson
Moore	

#### Committee Substitute Senate Joint Resolution 6 on Second Reading

The Senate resumed the consideration of the pending business, same being C. S. S. J. R. No. 6 on second reading.

Question—Shall the amendment by Senator Spears to C. S. S. J. R. No. 6 be adopted?

The amendment by Senator Spears failed of adoption.

Senator Hardeman offered the following amendment to the resolution:

Amend C. S. S. J. R. No. 6 by adding a new section to be known as Section 1a to read as follows:

"Section 1a. On or before 180 days after the effective date of this Resolution, the Supreme Court of Texas shall file with the Secretary of State a list of all articles or sections of the General Laws of the State of Texas, and parts of articles and sections of such General Laws, which, in its judgment, are in conflict with Section 1 of this Resolution. Such lists, giving the construction of the Supreme Court as to the general laws and parts of laws declared to be repugnant and in conflict with Section 1, shall constitute and have the same weight and effect as any other decision of the Supreme Court."

The amendment was read and was adopted.

The resolution as amended was then passed to engrossment.

#### Record of Votes

Senators Hardeman, Creighton, Calhoun, Dies, Bates, Richter, Word and Hightower asked to be recorded as voting "Nay" on the passage to engrossment of C. S. S. J. R. No. 6.

#### Motion To Place Committee Substitute Senate Joint Resolution 6 on Third Reading

Senator Moore moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on three several days be suspended and that C. S. S. J. R. No. 6 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

#### Yeas—20

Aikin	Harrington
Blanchard	Hazlewood
Colson	Herring
Crump	Kazen
Hall	Kennard

Krueger  
Moore  
Parkhouse  
Patman  
Ratliff

Reagan  
Schwartz  
Snelson  
Strong  
Watson

#### Nays—11

Bates  
Calhoun  
Cole  
Creighton  
Dies  
Hardeman

Hightower  
Richter  
Rogers  
Spears  
Word

#### House Bills and Resolution on First Reading

The following bills and resolution received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 342, to the Committee on Counties, Cities and Towns.

H. B. No. 116, to the Committee on Counties, Cities and Towns.

H. B. No. 119, to the Committee on Counties, Cities and Towns.

H. B. No. 120, to the Committee on State Affairs.

H. B. No. 124, to the Committee on Banking.

H. J. R. No. 51, to the Committee on Constitutional Amendments.

H. B. No. 86, to the Committee on Jurisprudence.

H. B. No. 534, to the Committee on Counties, Cities and Towns.

H. B. No. 580, to the Committee on State Departments and Institutions.

H. B. No. 862, to the Committee on Water and Conservation.

#### Report of Standing Committee

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,  
April 12, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 862, have had the same under consideration, and we are instructed to report it back to the

Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

#### House Bill 862 Ordered Not Printed

On motion of Senator Aikin and by unanimous consent H. B. No. 862 was ordered not printed.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
April 12, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 471, A bill to be entitled "An Act making certain adjustments in the regulation and operation of statewide mutual assessment corporations, local mutual aid associations, and local mutual burial associations subject to the provisions of Senate Bill No. 236, known as the Insurance Code, Acts 1951, Regular Session 52nd Legislature, Page 868, Chapter 491, as amended, and accomplishing this purpose by: amending Art. 14.15 of the Insurance Code, as amended, by providing Section 1. thereof requiring the filing with the State Board of Insurance on or before the 1st day of April of each year by each company or association a full sworn statement containing certain required information on forms furnished by the State Board of Insurance, providing thereafter for the State Board of Insurance to issue under certain circumstances prescribed to each company or association a certificate of authority; amending Art. 14.15 of the Insurance Code, as amended, by adding thereto Section 2. requiring each company or association annually, commencing as of December 31, 1965, to compute or cause to be computed its reserve liability under the provisions prescribed, providing such reserve liability shall be computed upon the net renewal premium basis in accordance with the reserve table adopted by the company or association as authorized on not more than a one year preliminary term basis with allowance for the authorized premissive deficiency reserve, providing each individual life policy be reserved and



reserves maintained thereon, authorizing family group policies upon which a group premium is charged and upon which there is a varying benefit to be reserved in any one of three authorized methods selected by the company or association, providing health, accident, hospitalization and sickness policies shall be reserved and reserves maintained on such policies in like manner as provided in Chapter 22 of the Insurance Code, as amended, providing all such reserves shall be maintained under the conditions prescribed; amending Art. 14.15 of the Insurance Code, as amended, by adding thereto Section 3, providing that the State Board of Insurance, as soon as practical, in each year shall compute or cause to be computed the reserve liability of each company or association as prescribed and upon certain reserve tables except the Chamberlain 1956 Reserve Table with interest at  $3\frac{1}{2}\%$  is authorized to be used with allowance for the permissive deficiency reserve provided for in Chapter 14 of the Insurance Code, as amended; amending Art. 14.15 of the Insurance Code, as amended, by adding thereto Section 4, providing each company or association shall on December 31, 1965 calculate its required reserves and its net assets and designate its permissive deficiency reserve if any, providing such permissive deficiency reserve shall be allowed without creating the insolvency of the company or association but requiring the company or association to reduce said permissive deficiency reserve so determined; amending Art. 14.15 of the Insurance Code, as amended, by adding thereto Section 5, providing any company or association possessing as of December 31, 1965, a permissive deficiency reserve equal to or in excess of 25% of its required reserve to furnish within a certain time an affidavit to the State Board of Insurance regarding its rates, providing in the event such company or association cannot furnish such affidavit certain action is required to be taken by such company or association; amending Art. 14.15 of the Insurance Code, as amended, by adding thereto Section 6, providing in the event the annual required reduction of the permissive deficiency reserve is not accomplished each year, the company or association shall by appropriate action increase rates in the

manner provided, providing that if the company or association shall fail to act within thirty days following calculation of its reserves, the company or association shall be dealt with as if it were insolvent, providing during any calendar year the annual required reduction of the deficiency reserve cannot be accomplished the company or association shall increase rates in the manner prescribed, providing any such rate adjustment or readjustment shall be deemed and considered as assessments upon said policies; amending Art. 14.15 of the Insurance Code, as amended, by adding thereto Section 7, providing in the event any company or association does not possess at any future date the required reserve, less any permissive deficiency reserve, the company or association shall increase rates on policies in force in the manner provided, providing in the event of the failure of the company or association to so act in adjusting rates within thirty days following the required calculation of reserves the company or association shall be dealt with as if it were insolvent; amending Art. 14.15 of the Insurance Code, as amended, by adding thereto Section 8, providing for the payment of dividends to policyholders under certain circumstances; amending Art. 14.15 of the Insurance Code, as amended, by adding thereto Section 9, providing in event any company or association has a permissive deficiency reserve such company or association may use or employ certain methods or procedures, or any combination thereof, to partially or totally eliminate such permissive deficiency reserve by: (a) placing a lien upon or against each individual policy and the benefits to be paid thereon, but not to exceed certain prescribed amounts, providing for earning or payment of interest thereon, providing the amount such liens so placed upon such policies shall reduce the amount of the permissive deficiency reserve, authorizing each such company or association availing itself of such plan to purchase either from itself or from any other authorized company or association one year renewable term insurance, or any other type of insurance, in the amount of all or any portion of such liens, but requiring the premiums therefor to be paid from the expense fund of the company or as-

sociation, providing that any increase in the mortuary fund of the company or association above the required reserves shall be annually equitably apportioned upon such liens, (b) authorizing the conversion of the insurance policy of each insured to a term coverage containing certain required provisions and requiring consent by the individual insured or controller of said policy, (c) authorizing reduction in the amount of insurance upon consent by the individual insured or controller of said policy, and (d) authorizing any other method, plan, procedure or arrangement which may be approved by the State Board of Insurance, providing the procedures to place in effect any such plan for reduction of the permissive deficiency reserve; amending Art. 14.23 of the Insurance Code, as amended, by providing Section 1. thereof providing each company or association shall levy regular and periodical assessments in such amounts and at such proper intervals as will meet the reasonable operating expenses and pay in full the claims, providing premiums upon policies hereafter issued shall be in accordance with the reserve table standards adopted by the company or association under the conditions provided, providing premiums shall be in amounts necessary to deposit in the mortuary fund an amount at least equal to the renewal net premiums; amending Art. 14.23 of the Insurance Code, as amended, by adding thereto Section 2. providing the circumstances and procedures under which the rates on policies on policies in force shall be increased; amending Art. 14.23 of the Insurance Code, as amended, by adding thereto Section 3. providing the penalty for failure to comply with any required rate increase order of the State Board of Insurance; amending Art. 14.23 of the Insurance Code, as amended, by adding thereto Section 4 providing that the Board of Directors of any company or association by resolution may increase rates on life policies in force under certain conditions and requirements, providing regulation of increasing rates or adjusting rates on policies in force; amending Art. 14.23 of the Insurance Code, as amended, by adding thereto Section 5. providing that any increase in rates on policies in force shall not be placed in effect without

certain advance approval of the State Board of Insurance; amending Art. 14.23 of the Insurance Code, as amended, by adding thereto Section 6. providing that each policy of insurance hereafter approved for issuance shall contain certain provisions respecting increasing rates; amending Art. 14.25 of the Insurance Code, as amended, by adding thereto Section 1. providing that certain companies or associations shall divide in a prescribed manner, assessments or premiums, when collected into at least two funds; providing for authorized expenditures from said funds under prescribed conditions, providing certain required premiums to be charged as to policies issued after the effective date of this Act and to all policies now existing upon which the rates are increased, limiting the expense loading upon certain policies upon which rates are increased, regulating the division of premiums between funds for all policies in force on December 31, 1963 and upon all health, accident, sickness and hospitalization policies, providing certain rights as to division of premiums between funds as to existing policies; amending Art. 14.25 of the Insurance Code, as amended, by adding thereto Section 2. providing that the provisions thereof shall apply to certain companies or associations and providing for division of premium collected by such companies between its funds and authorizing payments to be made from said funds under certain conditions; amending Art. 14.25 of the Insurance Code, as amended, by adding thereto Section 3 providing each company or association shall provide in its by-laws certain provisions relating to premiums received; amending Art. 14.25 of the Insurance Code, as amended, by adding thereto a Section 4, authorizing under certain circumstances the investment of the mortuary fund and expense fund of each company or association; repealing conflicting laws and parts of laws to the extent of such conflict; providing for a severability clause; and declaring an emergency."

H. C. R. No. 89, Respectfully requesting the Governor to return House Bill No. 14 to the House for further consideration.

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

**House Bill 862 on Second Reading**

Senator Aikin moved that Senate Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 862 be placed on its second reading and passage to its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

The President then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 862, A bill to be entitled "An Act ratifying, confirming, approving and validating proceedings and actions had and taken by the governing body of Red River County Water Control and Improvement District No. 1, Langford Creek and the organization and boundaries of said District; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 862 on Third Reading**

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid H. B. No. 862 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Cole
Bates	Colson
Blanchard	Creighton
Calhoun	Crump

Dies	Patman
Hall	Ratliff
Hardeman	Reagan
Harrington	Richter
Hazlewood	Rogers
Herring	Schwartz
Hightower	Snelson
Kazen	Spears
Kennard	Strong
Krueger	Watson
Moore	Word
Parkhouse	

**House Bills and Resolution on First Reading**

The following bills and resolution received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 719, To the Committee on Counties, Cities and Towns.

H. B. No. 662, To the Committee on Counties, Cities and Towns.

H. B. No. 624, To the Committee on Counties, Cities and Towns.

H. B. No. 714, To the Committee on Agriculture and Livestock.

H. B. No. 329, To the Committee on Education.

H. C. R. No. 89, To the Committee on Finance.

**Senate Bill 506 on Second Reading**

Senator Creighton moved that Senate Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 506 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Hightower
Bates	Kazen
Blanchard	Kennard
Calhoun	Krueger
Cole	Moore
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Snelson
Herring	Spears

**Strong**  
**Watson**

**Word**

The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 506, A bill to be entitled "An Act relating to the creation, establishment, maintenance and operation of a hospital district in accordance with the provisions of Section 9 of Article IX of the Constitution of the State of Texas, to be known as the Palo Pinto County Hospital District, with boundaries coextensive with the boundaries of Palo Pinto County, Texas; defining its purposes; providing for its administration, operation, financing, taxing powers and liabilities; prescribing procedures; providing for severability; reciting proof of publication of constitutional notice; and declaring an emergency."

The bill was read the second time and was passed to engrossment.

#### Senate Bill 506 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid S. B. No. 506 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

**Yeas—31**

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

#### Vote on Final Passage of Senate Bill 5 Reconsidered

Senator Herring moved to suspend that portion of Senate Rule 60 relating to the period of time for reconsideration in order that he might move to reconsider the vote on the final passage of S. B. No. 5.

The motion prevailed by the following vote:

**Yeas—31**

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

Senator Herring then moved to reconsider the vote by which S. B. No. 5 was finally passed.

The motion prevailed by the following vote:

**Yeas—31**

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

The bill was again passed by the following vote:

**Yeas—30**

Bates	Kennard
Blanchard	Krueger
Calhoun	Moore
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Snelson
Hazlewood	Spears
Herring	Strong
Hightower	Watson
Kazen	Word

## Nays—1

Aikin

**Senate Resolution 457**

Senator Hardeman offered the following resolution:

Whereas, There comes a time in life and particularly in the springtime when a young man's fancy turns to love. On this date after many pleas and promises a young and attractive maiden of the High Plains yielded to wiles of the future statesman of the Plains; and

Whereas, The union between our distinguished colleague from Lubbock and Mary was consummated 18 years ago today; now therefore, be it

Resolved by the Senate, That congratulations and best wishes on this anniversary of the marriage of Doc and Mary be and they are hereby extended.

**HARDEMAN**

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Calhoun, Cole, Colson, Creighton, Crump, Dies, Hall, Harrington, Hazlewood, Herring, Hightower, Kazen, Kennard, Krueger, Moore, Parkhouse, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Snelson, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Hightower and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then unanimously adopted.

**Memorial Resolution**

S. R. No. 450—By Senators Harrington and Krueger: Memorial resolution for Clyde E. Broussard.

**Welcome Resolutions**

S. R. No. 455—By Senator Watson: Extending welcome to Mary Russell, et al.

S. R. No. 456 — By Senator Schwartz: Extending welcome to students from Sacred Heart School of Galveston.

**Adjournment**

On motion of Senator Kazen the

Senate at 1:11 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

**APPENDIX****Reports of Standing Committee**

Senator Hardeman submitted the following reports:

Austin, Texas,  
April 12, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills to which was referred:

S. B. No. 74, An Act relating to engineers and the practice of engineering; defining terms; providing for the regulation of engineers and the practice of engineering; defining powers of the Board; prohibiting certain acts and conduct; dealing with the use of certain words and terms of identification; amending certain Sections of and adding Sections to Chapter 404, Acts of the 45th Legislature, Regular Session, 1937, as amended (codified as Title 52A, 3271a, Revised Civil Statutes of Texas); providing for renewal of registration certificates; exempting certain persons from the provisions of said Chapter 404; repealing all laws or parts of laws in conflict; providing for a severability clause; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
April 12, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 224, An Act transferring fee simple title and the control and management of Moody State School for Cerebral Palsied Children to the Board of Regents of The University of Texas for the use and benefit of the University of Texas Medical Branch of Galveston; providing for the appointment of a staff; providing for jurisdiction over the physical as-

sets; providing that all appropriations, grants and gifts made for the benefit of the Moody State School for Cerebral Palsied Children shall be administered and expended by the Board of Regents of The University of Texas for the use and benefit of The University of Texas Medical Branch at Galveston; repealing all laws; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Sent to Governor

April 12, 1965

S. B. No. 224

S. B. No. 74

## In Memory of Eugene Vierling Spence

Senator Parkhouse offered the following resolution:

(Senate Concurrent Resolution 69)

Whereas, The State of Texas lost an outstanding citizen and water conservation leader with the death, on April 4, 1965, of Eugene Vierling Spence of Big Spring; and

Whereas, Colonel Spence was born September 12, 1888 in San Diego, in Duval County and graduated in 1907 from San Diego High School. In 1911 he graduated with a Bachelor's degree in Civil Engineering from Texas A & M and practiced engineering at Alice until World War I when he entered the Army; and

Whereas, Following his separation from the Army as a Captain in 1921, Colonel Spence served as County Engineer in Jim Wells County and also was Mayor of Alice; and

Whereas, He re-entered A & M and took a Master's Degree in Civil Engineering with a major in City Management and immediately on graduation became City Manager of San Angelo in 1925, and in 1931 he became City Manager of Big Spring where he served until October 1941 when he resigned to enter the Army; and

Whereas, For a time he was with the 6th Corps Area of the U. S. Army Corps of Engineers, serving a three-state area out of Chicago. He was moved to Camp Swift in Texas where he served as Post Engineer. In 1946 he was presented the Legion of Merit for his services there by General Jonathan Wainwright; and

Whereas, In 1945 Colonel Spence left the Army and was appointed by Governor Coke R. Stevenson to the Texas Board of Water Engineers. Later Governor Beauford Jester made him Chairman of the Board and in 1949, Governor Allan Shivers named him Interstate Compact Commissioner for the Canadian and Red Rivers. He resigned this position to accept appointment as General Manager of the newly formed Colorado River Municipal Water District on January 1, 1951, in time to direct issue of \$11,750,000 in revenue bonds and letting contracts for Lake J. B. Thomas and 90 miles of water supply lines to Big Spring, Odessa and Snyder; and

Whereas, Having been born and reared in semi-arid South Texas, Colonel Spence was keenly interested in water resources development and conservation, and while serving as Mayor of San Angelo and Big Spring, and as Member and Chairman of the Texas Board of Water Engineers, he became widely known as a dedicated leader in the water resources field; and

Whereas, He was named engineer of the year for the Permian Basin Chapter of the Texas Society of Professional Engineers in 1957 and received life membership in the American Society of Civil Engineers in 1963. In 1963 the Big Spring Chamber of Commerce gave him an unprecedented award for outstanding service in water matters. He served as Chairman of the West Texas Chamber of Commerce Water Resources Committee and the Southwest Water Evaporation Research Council and as a member of the Texas Coordinating Water Committee; and

Whereas, He was ever vigilant in the cause of water conservation. Being a man of great vision, of magnificent accomplishments, of shrewd judgment, of abiding warmth of heart and friendliness of manner, he never wavered in his faith that the right program for the development, conservation and utilization of the water resources of this State would inevitably be found; and

Whereas, It is appropriate that the Legislature of the State of Texas pay tribute to this well-known and dedicated water conservation leader who did so much for the people of his State and Nation; now, therefore, be it

Resolved, by the Senate of the 59th Legislature, the House of Representatives concurring, That the Legislature does hereby, extend its sympathy to the family of Eugene Vierling Spence for their great loss; and be it further

Resolved, That copies of this Resolution, under the Seal of the Senate of Texas, be prepared for his wife, Mrs. Elizabeth Spence of Big Spring; his brother, Robert Spence of Tyler; and his sister, Mrs. Lena Loving of Corpus Christi, and that when the Senate and House of Representatives adjourn this day, they do so in memory of Eugene Vierling Spence.

PARKHOUSE  
RATLIFF  
HARDEMAN

The resolution was read and was adopted by a rising vote of the Senate.

**In Memory of**  
**Judge H. A. C. Brummett**

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Senator Blanchard offered the following resolution:

(Senate Resolution 451)

Whereas, Citizens of Dickens and Lubbock Counties were saddened on April 2, 1965, by the death, at the age of 77, of Judge H. A. C. Brummett, former Dickens County Judge and widely known West Texas lawyer; and

Whereas, He had settled in Dickens as a young man, and had resided in both Dickens and Lubbock, where he expended his energies liberally for the benefit of his community; and

Whereas, He was the father of three sons, all now living in Lubbock, and two of whom followed the profession of their father, with one son, Dudley K. Brummett, even serving as county judge of Lubbock County; and

Whereas, He will be sorely missed by his many friends and his children: Winston D. Brummett, Dudley K. Brummett, H. A. C. Brummett Jr.; and his daughter, Mrs. Ross Q. Smith of Dallas; and the Senate of Texas wishes to recognize the outstanding service of this Texas lawyer and former judge as well as extend sympathy to the members of his family on their great loss; now, therefore, be it

Resolved, by the Senate of the 59th Legislature, That this Resolution stand as a token of the esteem of this Body for a distinguished Texan; and be it further

Resolved, That copies of this Resolution under the Seal of the Senate of Texas be sent to his sons and his daughter as an expression of tribute from this Body; and that when the Senate adjourns this day that it do so in memory of Judge H. A. C. Brummett.

**BLANCHARD**

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Calhoun, Cole, Colson, Creighton, Crump, Dies, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Kazen, Kennard, Krueger, Moore, Parkhouse, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Snelson, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Word and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then unanimously adopted by a rising vote of the Senate.